

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Coy Dial

Docket No. 7:14-CR-116-1FL

Petition for Action on Supervised Release

COMES NOW Jared Britt, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Coy Dial, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possession With Intent to Distribute a Quantity of Cocaine Base (Crack) and Cocaine, in violation of 21 U.S.C. § 846 and 21 U.S.C. § 841 (b)(1)(C), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on November 5, 2015, to the custody of the Bureau of Prisons for a term of 32 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Coy Dial was released from custody on August 10, 2017, at which time the term of supervised release commenced. On November 30, 2017, a petition was submitted to the court advising that the defendant had violated the terms of his supervision by using a Whizzinator device in an attempt to defeat a drug test. At this time the court was also notified that the defendant had submitted a urine sample on November 21, 2017, that was positive for cocaine, oxycodone, and oxymorphone. As a result of these violations the court agreed to modify the defendant's conditions of release to include that the defendant be confined in the custody of the Bureau of Prisons for a period of 15 days. The defendant served 15 days sentence without issue.

On September 12, 2018, a violation report was submitted to the court reporting that on August 28, 2018, the defendant submitted a urine sample that tested positive for cocaine. At this time the court agreed to continue the defendant on supervision with increased urine surveillance, and allow the defendant to continue in drug treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 5, 2018, the defendant was charged with Open Container After Consuming Alcohol, in Robeson County, North Carolina. The defendant promptly notified this officer of his contact with law enforcement. After speaking to the charging officer it was determined that the defendant had been drinking alcohol prior to driving. Charging officer reported that the defendant was given a portable breath test and blew a .07. When confronted the defendant admitted to consuming alcohol prior to driving. The defendant reports that he was unaware that his conditions prohibited him from consuming alcohol. This officer verbally reprimanded the defendant, and reiterated his conditions of supervision to include alcohol abstinence.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. He remains in drug treatment with Life Brie Health Services in Lumberton, North Carolina. The defendant has been advised that any future noncompliance could result in court action.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 10 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Jared Britt
Jared Britt
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2549
Executed On: October 15, 2018

ORDER OF THE COURT

Considered and ordered this 16th day of October, 2018, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge